



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,737	09/15/2000	KIMBO MUNDY	BDE-001CN (431/6)	2466

23370 7590 04/23/2003

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,737

Applicant(s)

MUNDY ET AL.

Examiner

Ella Colbert

Art Unit

3624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3624

DETAILED ACTION

Response to Amendment

1. Claims 1-46 are pending. Claims 1, 5, 8, and 9-46 have been amended in this communication filed 01/29/03 entered as Amendment A, paper no. 9.
2. The Terminal Disclaimer filed 01/29/03 has been entered as paper no. 10.
3. The Supplemental IDS filed 01/14/03 has been considered, reviewed, and entered as paper no. 11.
4. The Amendment to the Specification filed 01/29/03 has been reviewed.
5. The Double Patenting Rejection has been withdrawn in view of Applicants' Terminal Disclaimer filed 01/29/03.
6. The Claim Objection to claim 1 has been overcome by Applicants' amendment to claim 1 and is hereby withdrawn.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1); (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

Art Unit: 3624

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by (US 6,336,105 B1) Conklin et al, hereafter Conklin.

With respect to claim 1, Conklin teaches, a method for aggregating information from a plurality of enterprises offering items for exchange over a network, ... comprising: automatically collecting and analyzing information about the items from enterprise databases associated with each of the enterprises by use of a host, the host being in communication with the enterprises over the network (col. 2, lines 65-67, col. 3, lines 1-5, col. 4, lines 19-23, and fig. 1a, steps 08a-08h, 06, 10b, 04, 10a, & 02); storing the information collected from the enterprise databases in a host database, the information being stored in the host database by the host (col. 14, lines 36-42 and col. 15, lines 5-12); and providing a host graphical user interface through which the shoppers can view, over the network, the information stored in the host database (Col. 17, lines 2-13, col. 14, lines 36-42, col. 15, lines 5-12, and fig. 29, step S01, S03, & S06). Conklin does not specifically state that the computer is a host ("a community sponsor 06 is shown also communicating over a telecommunications link 10b to the Internet 04"), col. 17, lines 2-3 and fig. 1a). However a host is well-known in the art as providing services to others that are linked to it.

With respect to claim 2, Conklin teaches, collecting information from the enterprise databases includes crawling HTML page trees (col. 10, lines 29-31 and lines 35-40). HTML page trees are well known in the Internet art.

Art Unit: 3624

9. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin in view of (US 6,424,979 B1) Livingston et al, hereafter Livingston.

With respect to claim 3, Conklin did not teach, collecting information from enterprise databases include crawling XML page trees. Livingston discloses collecting information from enterprise databases include crawling XML page trees (col. 9, lines 47-51 and lines 63-54, col. 11, lines 43-52, col. 12, lines 1-23, fig. 4, step 79, fig. 8, steps 174, 176, & 180 and fig. 20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to collect information from enterprise databases to include crawling XML page trees as taught by Livingston because this would enable Conklin to have XML data that is represented as a hierarchical tree, so the system can navigate the tree to retrieve the components to build the page and a generator compares the user's request to the attributes stored in the XML tags that mark the tree's components and only returns the information. XML page trees are well known in the Internet art.

With respect to claim 4, Conklin teaches, collecting the information is publicly accessible (col. 8, lines 26-62 and col. 10, lines 1-23). Livingston discloses, collecting the information is publicly accessible (col. 5, lines 56-62 and col. 8, lines 28-34).

With respect to claim 5, Conklin teaches, wherein collecting information from enterprise databases includes collecting information from auction sites offering items for purchase over the network the enterprise databases comprise auction databases associated with the auction sites (col. 13, lines 7-35).

Art Unit: 3624

With respect to claim 6, Conklin teaches, wherein collecting information from the auction databases includes crawling HTML page trees (col. 10, lines 29-31 and lines 35-40). HTML page trees are well known in the Internet art. Conklin does teach an auction database ("the bid is submitted over the Internet to a central site which analyzes a database of sellers of that type of item ... (auction database) col. 13, lines 10-12 and lines 23-26 ("... auction sites on the World Wide Web which allow you to submit bids to a seller or auctioneer). Conklin does teach HyperText Markup Language (HTML) to create hypertext links to documents to create and maintain "internal" Web pages (col. 2, lines 36-38). Livingston discloses, HTML page trees (col. 12, lines 18-23).

With respect to claim 7, Conklin did not teach wherein the auction databases include XLM page trees (see claims 3 and 6), *supra*.

With respect to claim 8, this dependent claim is rejected for the similar rationale given for claim 4, *supra*.

With respect to claim 9, Conklin teaches, periodically collecting the information about the items from the enterprise databases and updating the information stored in the host database (col. 5, lines 60-67, col. 6, lines 1-6, col. 31, lines 66-67, col. 32, lines 1-18).

With respect to claim 10, Conklin teaches, wherein updating the information stored in the host computer comprises updating the information stored in the host database with sufficient frequency to enable the shoppers to monitor and participate effectively in bidding activity at the auction sites (col. 5, lines 60-67, col. 6, lines 1-6, col. 12, lines 32-47, col. 31, lines 66-67, and col. 32, lines 1-18). See claim 9, *supra*.

Art Unit: 3624

10. Claims 11-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin in view of (US 5,835,896) Fisher.

With respect to claim 11, Conklin did not teach dynamically scheduling the collecting of information from the auction databases based upon content of previously collected information.

Fisher discloses, dynamically scheduling the collecting of information from the auction databases based upon content of previously collected information (col. 7, lines 50-65 and col. 8, lines 42-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to dynamically schedule the collecting of information from the auction databases based upon content of previously collected information and to include in Conklin because by including this feature in Conklin's "shopping cart", in order to allow the auction manager to schedule information to the auction database as merchandise items are scheduled for posting and opened for bidding.

With respect to claim 12, Conklin did not teach, enabling the host computer to receive an auction watch request from the shoppers and monitoring with the host a bidding activity at a specified auction site with regard to a specified item in response to the received auction watch request and displaying the bidding activity to the shopper by way of the host graphical user interface.

Fisher discloses, enabling the host computer to receive an auction watch request from the shoppers and monitoring with the host computer a bidding activity at a specified auction site with regard to a specified item in response to the received auction

Art Unit: 3624

watch request and displaying the bidding activity to the shopper by way of the host graphical user interface (col. 6, lines 39-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the host computer to receive an auction watch request from the shoppers and monitoring with the host computer a bidding activity at a specified auction site with regard to a specified item in response to the received auction watch request and displaying the bidding activity to the shopper by way of the host graphical user interface and to include in Conklin's "hosting mall" 24 Website enables buyers to browse through stores in order to access the network and view the merchandise catalog pages as they are updated with the bid information. The customer views across the network the catalog page (Conklin -col. 4, lines 66-67). Although the word graphical user interface does not appear to be employed, the recited "readable catalog page for viewing over a public network such as the Internet's World Wide Web (col. 6, lines 25-26) Must have had a GUI in order to function at the time of the invention, hence the inherence of GUI which is well known in the art.

With respect to claim 13, is rejected for the similar rationale given for claim 11, *supra*.

With respect to claim 14, Conklin did not teach, enabling the host graphical user interface to accept from the shopper an update request and updating at least a portion of the information stored in the host database substantially in real-time in response to the update requests.

Art Unit: 3624

Fisher discloses, enabling the host graphical user interface to accept from the shopper an update request and updating at least a portion of the information stored in the host database substantially in real-time in response to the update requests (col. 4, lines 32-45, col. 6, lines 31-45, col. 7, lines 66-67, col. 8, lines 1-4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the host graphical user interface to accept from the shopper an update request and updating at least a portion of the information stored in the host database substantially in real-time in response to the update requests and to include in Conklin's mall Website, in order to allow the electronic bid information to be placed in the database and to have the auction manager frequently query the database to see if any new bids have been placed then to have the catalog page generator to regenerate a catalog in an electronic auction system. The bid information is sent to the bidder via electronic mail.

With respect to claim 15, is rejected for the similar rationale as given for claim 9, *supra*.

With respect to claim 16, Conklin did not teach, enabling the host graphical user interface to accept from the shopper an update request and updating at least a portion of the information stored in the host database substantially in real-time in response to the update requests.

Fisher discloses, enabling the host graphical user interface to accept from the shopper an update request and updating at least a portion of the information stored in the host database substantially in real-time in response to the update requests (col. 7,

Art Unit: 3624

lines 15-23 and lines 32-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the host graphical user interface to accept from the shopper an update request and updating at least a portion of the information stored in the host database substantially in real-time in response to the update requests and to include in Conklin's selling goods over the Internet, in order to allow the electronic auction system to record the records to show the bids and updates of the lot's merchandise catalog page to show the current high bids or bids and to whom such bids are attributable.

With respect to claim 17, Conklin did not teach, enabling the host graphical user interface to accept from the shopper an item watch request specifying a particular item for monitoring and monitoring the auction sites to detect if the specified item becomes available for bidding at the auction sites in response to the item watch request from the shopper.

Fisher discloses, enabling the host graphical user interface to accept from the shopper an item watch request specifying a particular item for monitoring and monitoring the auction sites to detect if the specified item becomes available for bidding at the auction sites in response to the item watch request from the shopper (col. 7, lines 24-65 and col. 9, lines 36-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable a graphical user interface to accept from the shopper an item watch request specifying a particular item for monitoring and monitoring the auction sites to detect if the specified item becomes available for bidding at the auction sites in response to the item watch request from the shopper and to

Art Unit: 3624

include in Conklin's selling goods over the Internet, in order to allow potential customers to watch the merchandise catalog pages and to place bids in an electronic auction system.

With respect to claim 18, Conklin did not teach, providing the shopper with notification in response to detecting the specified item becoming available for bidding and wherein the host computer provides the notification by way of a host initiated mechanism different from a host graphical user interface.

Fisher discloses, providing the shopper with notification in response to detecting the specified item becoming available for bidding and wherein the host computer provides the notification by way of a host initiated mechanism different from a host graphical user interface (col. 6, lines 46-65 and col. 11, lines 4-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shopper with notification in response to detecting the specified item becoming available for bidding and wherein the host computer provides the notification by way of a host initiated mechanism different from a host graphical user interface and to include in Conklin's selling goods over the Internet, in order to allow potential customers to watch the merchandise catalog pages and to place bids in an electronic auction system. The bid information is sent to the bidder via electronic mail.

With respect to claim 19, Conklin did not teach, enabling the host graphical user interface to accept from the shopper a market watch request specifying a class of items for monitoring and detecting the availability of items within the class of items at the auction sites.

Art Unit: 3624

Fisher discloses, enabling the host graphical user interface to accept from the shopper a market watch request specifying a class of items for monitoring and detecting the availability of items within the class of items at the auction sites (col. 7, lines 8-28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the host graphical user interface to accept from the shopper a market watch request specifying a class of items for monitoring and detecting the availability of items within the class of items at the auction sites and to include in Conklin's aggregated catalog systems, in order to allow the selection of items to purchase and to list items for sales and prices.

With respect to claim 20, Conklin did not teach, distinguishing between newly detected ones of the items from previously detected ones of the items.

Fisher discloses, distinguishing between newly detected ones of the items from previously detected ones of the items (col. 8, lines 42-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to distinguish between newly detected ones of the items from previously detected ones of the items and to include in Conklin's catalog system, in order to allow the selection of items to purchase and to list new items for sale and bidding.

With respect to claim 21, Conklin did not teach, providing the shopper with notification regarding detection of the items within the class of items and wherein the host computer provides the notification by way of a host initiated mechanism different from a host graphical user interface.

Art Unit: 3624

Fisher discloses, providing the shopper with notification regarding detection of the items within the class of items and wherein the host computer provides the notification by way of a host initiated mechanism different from a host graphical user interface (col. 9, lines 36-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shopper with notification regarding detection of the items within the class of items and wherein the host computer provides the notification by way of a host initiated mechanism different from a host graphical user interface and to include in Conklin's catalog system, in order to allow potential customers to watch the merchandise catalog pages and to place bids on a class of items in an electronic auction system. The information is sent to the bidder via electronic mail.

With respect to claim 22, this claim is rejected for the similar rationale given for claim 18, *supra*.

With respect to claim 23, Conklin did not teach, wherein the host computer-initiated mechanism includes a communication mechanism chosen from electronic mail, Internet messaging, pager, facsimile, telephone, and Web telephone.

Fisher discloses, the host computer-initiated mechanism includes a communication mechanism chosen from electronic mail (col. 2, lines 11-16), Internet messaging, pager, facsimile (col. 1, line 52), telephone (col. 1, line 55), and Web telephone (col. 1, lines 60-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a host computer-initiated mechanism that includes a communication mechanism chosen from electronic mail, Internet messaging, pager, facsimile, telephone, and Web telephone and to include in

Art Unit: 3624

Conklin's catalog system, in order to allow customers to submit bids and to know the winning bidder or bidders and the losing bidder or bidders.

With respect to claim 24, Conklin did not teach, the host computer-initiated mechanism includes providing a hyperlink to the host graphical user interface.

Fisher discloses, the host computer-initiated mechanism includes providing a hyperlink to the host graphical user interface (col. 4, lines 32-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the host computer-initiated mechanism include providing a hyperlink to the host graphical user interface and to include in Conklin's catalog system, in order to allow an underlined or otherwise emphasized word or phrase to display another document when clicked with the mouse and the graphical user interface works with the mousable interfaces with pull-down menus, dialog boxes, checkboxes, radio buttons, drop-down list boxes, scroll bars, and scroll boxes which are well known in the art.

With respect to claim 25, Conklin teaches, enabling the host graphical user interface to accept from the shopper a host database query specifying a class of items and searching the host database for items within the class of items and displaying auction information with regard to the items within the class of items to the shopper by way of the host graphical user interface ("upon accessing a public network and seeing items and viewing over a public network a catalog page" -col. 6, lines 14-38).

With respect to claim 26, Conklin teaches, enabling the host graphical user interface to accept from a shopper a host database query includes enabling accepting

Art Unit: 3624

from a shopper an indication of specific keywords to restrict the class of items (col. 28, lines 49-67 and col. 29, lines 1-17).

With respect to claim 27, Conklin teaches, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of at least one category to restrict the class of items (col. 31, lines 51-65).

With respect to claim 28, Conklin teaches, wherein enabling the host graphical user interface to accept from a shopper a host database query includes enabling accepting from a shopper an indication of a combination at least one keyword and at least one category to restrict the class of items (col. 29, lines 18-29).

With respect to claim 29, Conklin did not teach, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of particular ones of the auction sites to restrict the class of items.

Fisher discloses, the host graphical user interface to accept from the shopper a host database query includes (col. 7, lines 31-41) enabling accepting from a shopper an indication of particular ones of the auction sites to restrict the class of items (col. 7, lines 24-41 and lines 50-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of particular ones of the auction sites to restrict the class of items

Art Unit: 3624

and to include in Conklin's Website, in order to allow a shopper when specifying a class of items to call up an index of available merchandise by pressing a button or returning to a central home page.

With respect to claim 30, Conklin did not teach, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of a particular type of auction site in which the shopper is interested to restrict the class of items.

Fisher discloses, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of a particular type of auction site in which the shopper is interested to restrict the class of items (col. 8, lines 42-46, fig. 3, and fig. 6). Also see claim 29, *supra*.

With respect to claim 31, Conklin did not teach, wherein the particular type of auction site includes person-to person auctions and business-to-person auctions.

Fisher discloses, the particular type of auction site includes person-to person auctions and business-to-person auctions (col. 4, lines 46-67 and col. 5, lines 1-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the particular type of auction site to include person-to person auctions and business-to-person auctions and to include in Conklin's catalog "shopping mall", in order to allow the a business in an electronic auction system to award merchandise to a top bidder (person) or a person to award merchandise to another person with the highest bid such as the auctions on e-bay.

Art Unit: 3624

With respect to claim 32, Conklin did not teach, enabling the host graphical user interface to accept from the shopper a host database query includes enabling the host computer and the host graphical user interface to accept from a shopper an indication of a time frame in which the host computer detects that an item within the class is available at one of the auction sites.

Fisher discloses, enabling the host graphical user interface to accept from the shopper a host database query includes enabling the host computer and the host graphical user interface to accept from a shopper an indication of a time frame in which the host computer detects that an item within the class is available at one of the auction sites (col. 7, lines 1-23 and see claim 19), *supra*.

With respect to claim 33, Conklin did not teach, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of at least one of a specific price and a price range for the class of items.

Fisher discloses, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of at least one of a specific price and a price range for the class of items (col. 8, lines 30-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have enable the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of at least one of a specific price and a price range for the class of items and to include in Conklin's catalog "shopping mall", in order to allow the a business in an

Art Unit: 3624

electronic auction system to award merchandise to a top bidder (person) or a person to award merchandise to another person with the highest bid such as the auctions on e-bay.

With respect to claim 34, Conklin teaches, interconnecting at least one host server site and ones of the plurality of auction sites by a network (col. 17, lines 2-19), providing at least one host database in communication with the host server (col. 4, lines 1-5, lines 19-31, and lines 45-51), searching the plurality of auction sites across the network under the control of the host server and retrieving auction information from the auction sites (col. 4, lines 5-18 and col. 13, lines 10-29) and extracting data items from the auction information item information, the data items comprising information associated with items offered for purchase by the auctions sites and storing the data items within the host database (col. 9, lines 7-17 and lines 48-58 and col. 13, lines 33-35). Fisher discloses, interconnecting at least one host server site and ones of the plurality of auction sites by a network (col. 4, lines 32-38), providing at least one host database in communication with the host server (col. 4, lines 46-55). Together Conklin and Fisher teach the claim limitations of claim 34.

With respect to claim 35, Conklin did not teach, searching the ones of the plurality of auction sites across the network under the control of the host server comprises searching ones of the plurality of auction sites continuously on a periodic basis. Fisher discloses, searching the ones of the plurality of auction sites across the network under the control of the host server comprises searching ones of the plurality of auction sites continuously on a periodic basis (col. 6, lines 17-26). It would have been

Art Unit: 3624

obvious to one having ordinary skill in the art at the time the invention was made to search the ones of the plurality of auction sites across the network under the control of the host server comprises searching ones of the plurality of auction sites continuously on a periodic basis. Fisher discloses, searching the ones of the plurality of auction sites across the network under the control of the host server comprises searching ones of the plurality of auction sites continuously on a periodic basis and to include in Conklin's network looking into the enterprise, in order to allow the bidders (shoppers) to view the new item for auction and to place their bids.

With respect to claim 36, Conklin teaches, updating the host database with the data items retrieved and extracted from the auction information (col. 4, lines 19-31 and col. 7, lines 46-56).

With respect to claim 37, Conklin and Fisher did not teach, wherein storing the data items within the host database comprises sorting and arranging the data items according to a hierarchy of product and service categories established by the host server, however storing data items in a host database with sorting and arranging the data items in a hierarchy of product and service categories is old and well known in the database art of hierarchical databases and classifying items.

With respect to claim 38, Conklin teaches, matching one or more keywords for the products or services and of matching one or more of the categories associated with the products or services (col. 21, lines 16-30).

This claim is rejected for the similar rationale given for claim 34.

Art Unit: 3624

With respect to claim 39, Conklin teaches, the information corresponding to the products and services comprises information chosen from one of a description of the product or service, a name of auction site, and a type of auction (col. 2, lines 63-67, col. 3, lines 1-5, col. 5, lines 60-65, col. 6, lines 1-5, and col. 17, lines 43-59). Fisher discloses, the information corresponding to the products and services comprises information chosen from one of a description of the product or service, a name of auction site, and a type of auction (col. 2, lines 35-45 and 59-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to the information corresponding to the products and services comprises information chosen from one of a description of the product or service, a name of auction site, and a type of auction. Fisher discloses, the information corresponding to the products and services comprises information chosen from one of a description of the product or service, a name of auction site, and a type of auction (col. 1, lines 12-22 and col. 10, lines 29-62). Together Conklin and Fisher teach the claim limitations of claim 39.

With respect to claim 40, Conklin teaches, storing the data items within the database comprises storing the data items within the database according to categories established by the host server (col. 14, lines 19-25).

With respect to claim 41, this claim is rejected for the similar rationale given for claim 40, *supra*.

With respect to claim 42, this claim is rejected for the similar rationale given for claim 38, *supra*.

Art Unit: 3624

With respect to claim 43, this claim is rejected for the similar rationale given for claim 39, *supra*.

With respect to claim 44, Conklin teaches, wherein the search by categories can be conducted within a subset of data items identified by a search by one or more keywords (col. 28, lines 49-60 and col. 29, lines 27-49). See claim 39, *supra*.

With respect to claim 45, Conklin teaches, providing the host to the shopper a current aggregated listing of the items and the current bid information for the items (col. 2, lines 63-67, col. 3, lines 1-5, and col. 12, lines 15-23).

Conklin did not teach periodically gathering with the host current bid information from the auction sites across the network for items in which a shopper has expressed interest.

Fisher discloses periodically gathering with the host current bid information from the auction sites across the network for items in which a shopper has expressed interest (col. 1, lines 19-22, col. 4, lines 32-66, and col. 8, lines 42-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to periodically gather with the host server current bid information from the auction sites across the network for items in which a shopper has expressed interest and to include in Conklin's website because this would allow Conklin's interested bidders (shopper) to appear at the appointed time and place to bid on merchandise which the bidder (shopper) has expressed and interest (see claims 36 and 39), *supra*.

Art Unit: 3624

With respect to claim 46, Conklin did not teach, enabling the host to connect the shopper to auction sites where the shopper can place bids on the items and provide an indication of whether the bids placed by the bidder on the items are winning or losing.

Fisher discloses, enabling the host to connect the shopper to auction sites where the shopper can place bids on the items and for providing an indication of whether the bids placed by the bidder on the items are winning or losing (col. 7, lines 1-23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the host computer to connect the shopper to auction sites where the shopper can place bids on the items and for providing an indication of whether the bids placed by the bidder on the items are winning or losing and to include in Conklin's technique for selling goods over the Internet because this would allow Conklin to send a notification to the winning bidder or bidders and the losing bidder or bidders and to post a list of the winning bidders on the closed lot's merchandise catalog page.

Response to Arguments

11. Applicants' arguments filed 01/29/03 have been fully considered but they are not persuasive.

1. Applicants' argue: Conklin fails to disclose or suggest the systems and methods for aggregating information from multiple enterprises has been considered but is not persuasive because it is interpreted that Conklin does teach systems and methods for aggregating information from multiple enterprises in col. 2, lines 65-67, col. 3, lines 1-5 (collection of information (aggregating information) from multiple enterprises is interpreted as being taught in col. 8, lines 63-67, and col. 9, lines 1-12).

Art Unit: 3624

2. Applicants' argue: The references to Livingston and Fisher also fail to disclose or suggest any type of system or method which gathers information from multiple enterprises has been considered but is not persuasive based on Livingston and Fisher were not used to reject claim limitations for gathering information from multiple enterprises. Conklin was used to reject claim limitations for gathering information from multiple enterprises. Livingston discloses HTML page trees and an auction database. Fisher discloses collecting the information from auction databases, a host computer, and a graphical user interface.

3. Applicants argue: Livingston does not describe nor does it suggest the collecting, analyzing, and rendering of information obtained from multiple enterprises through a single user interface and since neither Fisher nor Livingston suggests the deficiencies of Conklin, any combination of Conklin with Livingston and Fisher would still fail to suggest the subject matter of the claimed invention has been considered but is not persuasive based on the combination of Conklin, Livingston, and Fisher have been addressed in argument no. 2, *supra*.

In conclusion: Under Section 103 of Title 35 of the United States Code, the Examiner carefully drew up a correspondence between each of Applicants' claimed limitations, one or more referenced passages in Conklin, Livingston, and Fisher, what is well known in the art, and what is obvious to one having ordinary skill in the art at the time the invention was made. The Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

Art Unit: 3624

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).<

Conclusion

12. Geiger (US 6,434,536) disclosed buying and selling over the Internet.


Inquiries

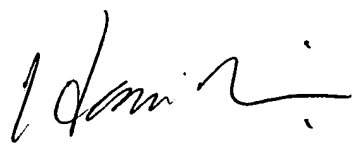
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064.

The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


E. Colbert
April 17, 2003


HANI M. KAZIMI
PRIMARY EXAMINER